

## **Local Rule Amendments – January 1, 2020**

### **Rule 100 - Hours of Operation; Coin Will Not Be Accepted For Payment**

The clerks' offices will remain open from 8:00 a.m. to 5:00 p.m. daily, excluding weekends and holidays. However, the public windows of each of the clerks' offices except the Juvenile Court close at 4:00 p.m. in order to facilitate daily accounting closeout procedures. Telephone lines will remain open and operational until 5:00 p.m. daily to serve the public. Drop boxes will be installed in each court location to facilitate deposit of papers and fines after 4:00 p.m. and before 5:00 p.m. The documents placed in the drop box before 5:00 p.m. will be file stamped on the date deposited in the drop box. Where the court has permitted electronic filing of documents, and where the electronic confirmation from the court shows that a document was electronically filed after 5:00 P.M. of any business day, such document will be deemed to have been filed on the next court day. (Code of Civil Procedure section 1010.6(a)(3) and (a)(4). California Rules of Court, rule 2.259(a)(1) and (a)(2). (Revised 01/01/10, 01/01/2020)

The court will not accept coin for payment. It is recognized that payment of coin to the court negatively impacts efficiency and cost-effectiveness. The court executive officer is the clerk of the court and a duly authorized officer of the court, and in accordance with the provisions of Government Code section 24353, a court officer, together with his/her deputies, is not required to accept any payment tendered by coin. (07/01/00) (07/01/11)

### **Rule 117 - Electronic Filing**

Effective January 1, 2014, the court permits the electronic filing of documents in any action or proceeding specified on the court's electronic filing page on the court's website ([www.tularesuperiorcourt.ca.gov](http://www.tularesuperiorcourt.ca.gov)) subject to and in accordance with California Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.250-2.261.

Additional information concerning electronic filing availability, requirements, and procedures can be found through the eFiling tab on the court's website. (01/01/10)(Revised 01/01/14, 01/01/2020)

### **Rule 504 - Guardian ad Litem Forms**

The Judicial Council has issued forms to petition for appointment of a guardian ad litem and has made their use mandatory in almost all matters. These forms are available in the clerk's office in room 201 of the Visalia courthouse and/or on the Web at [www.courts.ca.gov](http://www.courts.ca.gov). (01/01/07)(Revised 01/01/2020)

### **Rule 706 - Guardian Ad Litem Appointments and Compromise of Minors' Claims**

Petitions for Appointment of a “Guardian ad Litem” must use the Judicial Council mandatory forms. The forms are available in the clerk’s office in room 201 of the Visalia courthouse and on the Web at [www.courts.ca.gov](http://www.courts.ca.gov).

Minors’ compromises must be submitted on the Judicial Council mandatory forms and must include the proposed order on the Judicial Council form (also see Super. Ct. Tulare County, Local Rules, rule 707).

Without good cause shown, it will be counsel’s responsibility to file an acknowledgment of receipt on the Judicial Council form within two weeks after the “Order Approving Minor’s Compromise” has been entered.

Attorney fees in minor’s compromise cases must follow California Rules of Court, rule 7.955.

Except as set forth above, hearings on approval of compromises of minors, conservatees, and incompetent persons will be held in open court. After hearing, if the court orders the proceeds deposited in a bank, trust company, or savings and loan association, the order approving the compromise will provide as follows: “A certified copy of this order will be delivered to the manager of the bank, trust company, or savings and loan association together with the sum to be deposited therein, and a written receipt of said bank, trust company, or savings and loan association acknowledging receipt of said sum will forthwith be filed with the superior court clerk.” In cases involving minors, the order must contain the date when the minor will attain the age of 18 years and a direction to the bank, trust company, or savings and loan association to release on such date all funds to the minor without further order of the court.

Withdrawals from a minor’s blocked account will only be permitted for specific and limited purposes for which a parent/guardian is not financially capable and obligated to pay (for example, orthodontic work and tuition above the high school level). However, if both parents are too ill to work or both have been unemployed and there are no funds other than those of the minor, the court may permit the use of some of the monies, but only for necessities of the child. Any request for an order to withdraw funds from a blocked account will be carefully scrutinized by the court. Within 15 days from the date of an order to withdraw funds, the parent/guardian must file with the court a “Certificate Accounting for Funds Withdrawn From Minor’s Account.” A court-approved form for this certificate will be attached to a copy of the authorizing order to aid the parent/guardian in complying with this requirement. Failure to file a certificate can result in the court’s refusal to allow future withdrawals of funds, as well as possible contempt proceedings against the parent/guardian for failure to comply with the court order.

(01/01/03) (Revised 07/01/11, 01/01/2020)

### Rule 800 - Placing of Matters on Calendar

No arraignments on original or amended information or indictments, and/or misdemeanor complaints will be placed on calendar with less than two days prior notice to the court administrator or calendar clerk.

The deadline for filing documents related to persons in custody for felony and/or misdemeanor charges are as follows:

For Misdemeanor and/or Felony matters to be heard on the same day calendar at 1:00 p.m., **documents must be filed before 10:00 a.m.**

Where documents have not been filed by 10:00 a.m., Felony matters subject to Penal Code 667.5 may be heard on the same day calendar at 3:00 p.m. **only if documents are filed by 2:00 p.m.**

Where **documents are filed after 2:00 p.m.**, Felony and Misdemeanor matters may be heard the following day at 1:30 p.m. (01/01/2007)(Revised 01/01/2020)

### Rule 812 - Attorney's Appearance, Representation, and Withdrawal

Any appearance at any proceeding in the superior court will be considered a general appearance obligating the attorney to represent the defendant throughout the proceedings, except as may be otherwise provided by law.

The procedure for discharge, withdrawal, and substitution of retained counsel in criminal proceedings shall be the same as that for civil proceedings (*People v. Bouchard* (1957) 49 Cal. 2d 438, 441). California Rules of Court, rule 3.1362 sets forth the requirements for withdrawal and requires that the notice of motion, motion, declaration, and order be made on Judicial Council forms. The forms may be obtained from the Web at [www.courts.ca.gov](http://www.courts.ca.gov). (01/01/07)(Revised 01/01/2020)

### Rule 928 - Procedures for Entry of Judgment and Common Child Support Orders

- (a) All proposed judgments or findings and orders after hearing where child support is ordered shall include a copy of Judicial Council Form FL 192 entitled "Notice of Rights **and Responsibilities** - Health Care Costs and Reimbursement Procedures," and shall contain the following language:
  - (1) "The parent ordered to pay support must pay additional monthly support for reasonable child-care costs, as follows: \_\_\_one-half or \_\_\_% (specify amount) per month of the costs. Payments must be made to the \_\_\_ other parent \_\_\_State Disbursement Unit \_\_\_ child-care provider (select one)."
  - (2) "The parent ordered to pay support must pay reasonable uninsured health-care costs for the children as follows: \_\_\_one-half or \_\_\_% (specify amount) per month of the costs. Payments must be made to the \_\_\_ other parent \_\_\_State Disbursement Unit \_\_\_ healthcare provider (select one)."
- (b) All proposed judgments or findings and orders after hearings where there is a stipulation to set child support below the guideline amount of child support shall contain the following:
  - (1) A clear recitation of the provisions of Family Code section 4065(a), and the parties' understanding of and agreement to each of those provisions.
  - (2) A copy of the guideline calculation of child support.
- (c) All judgments or findings and orders after hearings where a child support order is contained and whereupon Tulare County Department of Child Support Services (TCD CSS) is enforcing the order shall have attached to it Form FS01, "Standard Orders Attachment." A supply of forms as mentioned above in this rule shall be maintained and distributed by the courtroom clerks as well as be available on the court's web site ([www.tularesuperiorcourt.ca.gov](http://www.tularesuperiorcourt.ca.gov)) and for purchase from

room 201 of the Visalia courthouse and from the Counter Clerk of the Porterville Courthouse.  
(01/01/07) (Revised 01/01/18, 01/01/2020)

### Rule 929 - Family and Juvenile Court Management of Child Abuse Cases

(This rule is repeated in the Juvenile Court rules as rule 1122.)

It is the policy of the superior court to identify and coordinate custody proceedings involving the same child, which may appear in multiple legal settings. It is further the policy of the superior court to coordinate the efforts of the different court systems so that the child/ren's and family's needs are served and the resources of the family and the court are not wasted. To these ends the superior court and the agencies serving the court must cooperate to increase the exchange of information and to determine the most appropriate forum for the resolution of the issues relating to the child/ren. (Pursuant to Welfare & Institutions Code section 827.10.)

- (a) Report Pursuant to Penal Code section 11166 - If, during the pendency of a family law proceeding, a child abuse allegation against one of the child's parents comes to the attention of a Family Court Services staff member or other evaluator, that person must first determine whether the allegation must be reported to a child protection agency, pursuant to Penal Code section 11166. If that person determines the allegation does not fall within the description of section 11166, he/she need not make a report. However, any other person may report the allegation to a child protection agency.
- (b) Child Abuse Investigation - When the Health and Human Services Agency, Child Welfare Services Branch (CWS), receives a report of suspected child abuse during the pendency of a family law proceeding, it must investigate the matter immediately, or within 10 days, unless the judicial officer from family court requests an earlier investigation. CWS, and the law enforcement agency having jurisdiction, must coordinate their investigative efforts. If CWS becomes aware that a family law case is ongoing concerning a child who is the subject of a suspected child abuse investigation, CWS must inform Family Court Services of the pending investigation and any decisions it makes concerning the child abuse investigation. If CWS, or the law enforcement agency having jurisdiction, determines that further investigation is necessary, the agency making that determination must contact the other agency immediately so that all investigative efforts may be coordinated.
- (c) Welfare and Institutions Code section 329 Application - If CWS decides not to intervene, or fails to report to the reporting party within 10 days, any person may apply to the social worker pursuant to Welfare and Institutions Code section 329. In that application, the affiant must give notice and identifying information of any pending family law proceeding. A copy of the application must be sent to Family Court Services by the moving party. The social worker must respond to the application as soon as possible, or within three weeks after submission of the application (Welf. & Inst. Code, § 329). (See Appendix 4 for application and order form or use Judicial Council form JV-212, Application to Review Decision by Social Worker Not to Commence Proceedings.)
- (d) Suspension of Family Court Proceedings Pursuant To Welfare and Institutions Code section 300 Petition Filed In Juvenile Court - Upon the filing of a petition pursuant to Welfare and Institutions Code section 300 in the juvenile court, all custody and visitation proceedings in the family court are suspended. The juvenile court clerk will determine whether there is a family law court file concerning the child/ren named in the petition. If there is a family law court file, the juvenile clerk will send a

copy of the notice required under Welfare and Institutions Code section 335 to the family law court. Upon receipt of such notice, the family law clerk will place such notice in the family law file. Thereafter, custody and visitation issues will be determined by the juvenile court. The family court will resume jurisdiction over custody and visitation issues only after termination of jurisdiction of the juvenile court. Upon termination of jurisdiction of the juvenile court, the clerk of the juvenile court will lodge a copy of the order terminating jurisdiction and any juvenile court custody order in the family court file.

- (e) Review of Dependency Decision - If CWS decides to initiate dependency proceedings after reviewing the application under Welfare and Institutions Code section 329, any person may apply to the juvenile court to review that decision pursuant to Welfare and Institutions Code section 331. The application for court review must include a copy of the application made pursuant to Welfare and Institutions Code section 329. The juvenile court will rule on the application as soon as possible, and in no event later than 30 days after receipt of the application.
- (f) Informal Supervision Agreement - If, during the CWS worker's investigation, one or both parents reach an informal supervision agreement pursuant to Welfare and Institutions Code section 331, a copy of that agreement must be sent immediately to CWS, to Family Court Services, to family court, and to each parent.
- (g) Family Code section 3150 Appointment of Counsel - During family court proceedings in which allegations of child abuse have been made, the family court judge may appoint counsel for the child/ren (Fam. Code, § 3150) to protect the child/ren's interests and/or to expedite the policy stated herein and carry out the terms of this protocol.
- (h) Coordination of Cases - At any time during the process described herein, the supervising judges and bench officers of the family and juvenile courts are encouraged to discuss, generally, problems relating to the coordination of cases involving child abuse allegations. Nothing in this section will be construed to permit judicial officers to discuss the specific facts of any certain case. (01/01/07) (Revised 07/01/11, 01/01/2020)

#### Rule 1000 - Calendar and Procedural Matters

- (a) Probate Calendar - All probate matters and adoptions will be assigned as set forth in the annual order of the court pursuant to The Superior Court of Tulare County, Local Rules, rule 300. Conservatorships under the Lanterman-Petris-Short Act (hereinafter "LPS"; Welf. & Inst. Code, § 5150 et seq.) will be set only on Tuesdays, and adoption proceedings on Thursdays or Fridays as directed by the court.
- (b) Filing Deadlines - All required moving pleadings in probate matters must be filed with the superior court clerk at least 15 days prior to the hearing date. All Probate Code and court ordered due dates for filing will be strictly observed (e.g., inventory and appraisements, accountings, status reports, receipts on blocked accounts, and receipts from personal representatives on deceased conservatees). Failure to comply with statutory or court requirements may result in imposition of surcharges, or other sanctions, without a showing of good cause.

(c) Filing of Documents and Proposed Orders - All probate documents in decedent's estate must be captioned as required by California Rules of Court, rule 201, and other applicable codes, except that the hearing date and time must be all in upper case.

(1) Supporting Papers - Supporting papers must be filed at least 10 days in advance of the scheduled hearing date. Proofs of publication may be filed within two days of the scheduled hearing date.

(2) Orders - Except in the case of confirmation of sales and contested matters, proposed orders should be lodged in the court case file at least five days in advance of the scheduled hearing date unless authorized by the court.

(3) Continuance on Untimely Filing - For failure to file supporting papers or other documents necessary to allow the court to rule on the particular matter, the court will automatically continue the matter for two weeks, without a showing of good cause for such failure.

(4) Duties and Liabilities of Personal Representative - As authorized by Probate Code section 8404(b), these rules require the personal representative's birth date and driver's license number on the Acknowledgment of Receipt of the Statement of Duties and Liabilities of Personal Representative. The Receipt shall be maintained in a confidential envelope in the court case and will not be released for viewing by the public.

(5) Inventory Form - All inventory and appraisals must be filed with the Judicial Council form caption page printed on pink paper and attachments on white paper.

(d) Disposition Requirements - In probate matters involving a decedent's estate where a personal representative has been appointed, the court will issue an Order to Show Cause (OSC) regarding the status of the case if a Judgment of Final Distribution, or a Report of Status of Administration, has not been filed within 12 months after probate letters issued in cases where a federal estate tax return is not required. In an estate for which a federal estate tax return is required, the Judgment of Final Distribution or Report of Status of Administration is to be filed within 18 months from the issuance of letters. At the OSC hearing, the court will establish appropriate time limits to accomplish a prompt disposition of the matter.

(e) Special Notice Situations

(1) Special Letters - Except in unusual cases, a party seeking special letters of administration, or temporary letters of guardianship or conservatorship, must give notice of the application to the surviving spouse, proposed ward, domestic partner, conservatee, or other persons who seek or might be expected to seek letters, and any other person who appears to be equitably entitled to notice. This notice must be given as required for other ex parte orders. (See California Rules of Court, rule 3.1200-3.1207.)

(2) Publication of Notice of Death - The published notice of death is sufficient to include only those instruments that are offered for probate and specifically referred to in the petition for which the notice is given. Any other will or codicil not specifically mentioned in such petition must be presented to the court in an amended petition or a second petition, and notice of that hearing must also be published.

(3) Mailing of Notice of Administration/Notice to Creditors - Notice to known creditors, apart from that published as otherwise prescribed by law, is required under Probate Code section 9050, and proof of

said mailing must be filed with the court prior to the filing of any petition for final distribution. "Notice to Creditors" is a Judicial Council form bearing a proof of service on the reverse for completion and filing with the court. (01/01/07), (Revised 01/01/16, 01/01/2020)

### Rule 1002 - Contested Matters

- (a) Meet and Confer Requirement - If any probate petition is contested or opposed, the parties or attorneys must make a reasonable and good faith attempt to informally resolve the controversy, at a face-to-face conference, before any hearing of the contested petition. If there is no resolution, each party must file a Statement of Issues identifying every unresolved issue with references to any supporting evidence and memorandum of points and authorities on file, and an estimate of the time required for the hearing. Each party must also prepare and file, by declaration, an offer of proof listing the witnesses to be called and the nature and the general subject matter of their testimony. At least two court days before the hearing date, each party must either (1) notify the calendar clerk in the court administrator's office that the controversy has been resolved, or (2) file and serve the Statement of Issues. This rule will not apply to contested LPS conservatorship matters not involving jury trials and for which estimated time for hearing is 30 minutes or less.
- (b) Transfer to Trial Calendar - If the hearing on a contested matter is estimated to be one day or less, the hearing will usually be held before the probate judge on the regular probate calendar. If a hearing on a contested matter is estimated to be more than one day, and counsel appear at the probate calendar, the matter will be set by the probate judge on the trial calendar.
- (c) Objections - Any opponent to a petition, accounting, or other matter scheduled for hearing, except contested LPS conservatorship petitions, must file verified, written objections stating the grounds for such objections prior to the hearing. Notice of any opposition and/or any intention to appear must be given to the attorney for petitioner at least two court days before the scheduled hearing date, unless good cause is shown. (01/01/07; 01/01/2020)

### Rule 1003 - Ex Parte Matters

Ex parte petitions will be heard in the court probate department according to the assigned probate judge's determination on any court day, subject to the probate judge's availability. In the probate judge's absence, ex parte matters will be heard by another judge. Appointments for ex parte hearings must be made through the clerk of the court (room 201 of the Visalia courthouse or the civil clerk at the South Valley Justice Center), and the court investigator's office must have 24-hour notice of an ex parte hearing on a temporary or general conservatorship for review of the documents and preparation of the Document Examiner's Checklist, if appropriate, before the ex parte conservatorship or guardianship matter will be heard.

No application for an ex parte order, or a temporary restraining order which has been previously rejected by a judge of this court, shall be presented to any other judge of this court without the judge to whom it is being presented being expressly informed of the circumstances of the previous application and the reasons for its denial.

- (a) Contents of Petition - All petitions for an ex parte order must be verified by the petitioner and must contain sufficient evidentiary facts of the emergency nature of the petition to justify issuing the order. Conclusions or statements of ultimate facts are not sufficient, and a foundation must be shown for the petitioner's personal knowledge.
- (b) Special Notice Allegation - All petitions for ex parte orders submitted after the initial appointment of the personal representative must contain a statement on special notices. The statement must either recite that no request for special notice is on file and in effect, or it must list the parties requesting special notice and have attached the specific waivers of notice by such parties or proof of service on such parties.
- (c) Notice to Counsel or Opposing Party - Where the emergency nature of the application is apparent and the court elects to consider the matter ex parte, but the need for an opportunity to be heard is also apparent, moving counsel must give at least six business hours' notice of the nature of the application and the time and place of the hearing to counsel for other interested parties or to unrepresented interested parties. Before the court will proceed with the hearing, moving counsel must submit a declaration to the court factually setting forth efforts to give such notice, or facts supporting the conclusion that it was impossible to give such notice.
- (d) Separate Order Must Accompany Petition - Except where a Judicial Council form is used, a petition for an ex parte order must be accompanied by a separate order complete in itself. It is not sufficient for such order to merely provide that the application has been granted, or that the sale of property or security set forth in the petition has been approved.
- (e) Sale of Personal Property: Ex parte petitions for approval of sale of depreciating or perishable personal property pursuant to Probate Code section 10000 et seq. must set forth the appraised value of such property. Ex parte petitions for the sale of securities must set forth the established stock or bond exchange applicable to the sale, or if there is no such exchange, then the amount of the minimum sales price must be stated. (01/01/07)(Revised: 01/01/2020)

#### Rule 1035 - Applications for Writ Seeking Release or Modification of Custody

A petition for a writ of habeas corpus, or for any other writ, seeking the release from or modification of the conditions of custody of one who is confined under the process of any court of this state or local penal institution, hospital, narcotics treatment facility, or other institution must be on a form approved by the Judicial Council. (See Judicial Council Form HC-002, attached hereto as Exhibit 1, entitled "Petition for a Writ of Habeas Corpus.") (01/01/07)(Revised 01/01/2020)

#### Rule 1044 - Documents

To obtain determination of the patient's capacity to give or withhold informed consent to treatment by anti-psychotic medication, the treating physician must complete, sign, and date the "Petition of Treating Physician Regarding Capacity to Consent or Refuse Anti-psychotic Medication." The petition must include a section called "Treating Physician's Declaration Regarding Capacity to Consent to or Refuse Anti-psychotic Medication." These forms must be delivered to, or faxed to, the court clerk assigned to

mental health matters in order to calendar a hearing. A patient may waive his or her right to counsel. The hearing officer will take a written waiver. (See Exhibit 4, a mandatory court form entitled "Waiver of Physician's Declaration for Representation at Medication Capacity Hearing.") (01/01/07)(Revised 01/01/2020)

### Rule 1052 - Determination of Capacity

In determining the patient's capacity to give or withhold informed consent, the hearing officer will consider (1) whether the patient is aware of their mental condition, (2) whether the patient has been informed of and is able to understand the benefits and the risks of, as well as the alternatives to, the proposed medication, and (3) whether the patient is able to understand and to knowingly and intelligently evaluate the information required to be given patients whose informed consent is sought (Welf. & Inst. Code, § 5326.2) and otherwise participate in the treatment decision by means of rational thought processes. Documentation by the hearing officer and orders will be made on the mandatory court form entitled "Medication Capacity Hearing Record Orders" (Exhibit 1-B).

~~Documentation by the court will be made on the mandatory court form entitled "Orders After Hearing" (Exhibit 1-B). (11/08/01)(Revised 01/01/2020)~~

### Rule 1063 - Adoption Proceedings

- (a) All adoption hearings will be set by the calendar clerk of the court located in Room 201 of the Visalia Division or the civil clerk at the South County Justice Center. No hearings will be set unless there has been previously filed with the court all consents required by Family Code section 8604. No consents are required if (1) the parent is deceased; (2) the parental rights of the parent have terminated by a final court decision terminating parental rights; (3) there is a judicial determination that consent is not required pursuant to Family Code section 7662; or (4) there is a judicial determination that consent is not required pursuant to Family Code section 8606.

If it is alleged by the petitioner that consent of a parent is not required pursuant to Family Code sections 7662 or 8604, a judicial determination that consent is not required will be made at a judicial proceeding held prior to the adoption hearing. That judicial determination will be in the court's file prior to the adoption hearing. No judicial determination will be made that consent is not required pursuant to Family Code sections 7662 or 8604 without strict compliance with the notice requirements of Family Code sections 7662 or 8604(b). In cases falling within Family Code section 7662, the court will not issue an order dispensing with notice under Family Code section 7666(b) without a factual showing made by declaration under penalty of perjury that good faith attempts have been made to locate and give notice to the person to be noticed and that despite such efforts the petitioner has been unable to locate such person to give notice.

If it is judicially determined that a petition to terminate parental rights must be completed and granted before a petition for adoption can be granted, there must be an investigation and a report completed for the court. In the case of stepparent adoptions, the investigation and report are

prepared by Family Court Services, room 203. In all other cases, the investigation and report are completed by the Adoptions Division of the Tulare County Health and Human Services Agency.

Forms that may be utilized to petition the court to determine necessity of consent in stepparent adoptions are available in the office of the clerk of the court, Room 201 of the Visalia Courthouse.  
(01/01/03)

- (b) Except in the case of stepparent adoptions, no adoption will be set for hearing unless there has been previously filed with the court an accounting report as required by Family Code section 8610.
- (c) In cases in which the child(ren) to be adopted is twelve years of age or older, no adoption will be set for hearing unless there is lodged with the clerk a proposed consent form to be signed by the child in the court's presence.
- (d) The acknowledgment in writing that must be executed by the adopting parent or parents pursuant to Family Code section 8612(b) must be lodged with the clerk prior to the setting of any adoption hearing.
- (e) The proposed adoption decree must be lodged with the clerk prior to the granting of a hearing date.  
(01/01/07)(Revised 01/01/2020)

#### Rule 1105 - Documenting Notice of Hearings

In all juvenile dependency matters, Child Welfare Services (CWS) must file a single "Proof of Service Declaration" to show compliance with the legal notice requirements for each hearing. Judicial Council forms must be used by the agency internally to meet notice and Title 14 requirements. (Forms are available on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov).) A "Proof of Service Declaration" (see Appendix 2) must be signed, under penalty of perjury, indicating the following:

- (a) That a notice of hearing (e.g., Judicial Council Form JV-280 or JV-300) has been sent to each of the parties, any court appointed special advocate (CASA), the attorneys, and any Indian tribe, informing them of the nature of the proceeding;
- (b) The date, time, place, and manner in which notice was given;
- (c) The parties, attorneys, CASAs (if any), and Indian tribes (if any) noticed, including addresses;
- (d) Whether reports accompanied the notice;
- (e) Names of parties who were not noticed due to unknown addresses.

The "Proof of Service Declaration" must include documentation of CWS's due diligence in attempting to locate missing parents whenever required by law. (07/01/00)(Revised 01/01/2020)

#### Rule 1108 - Authorization for Use of Psychotropic Drugs

##### Dependent Children

- (a) Psychotropic medication must not be administered to children who are dependents of the court and in out-of-home placement until an "Application for Order for Psychotropic Medication – Juvenile"

(Judicial Council Form JV-220, available on the Internet [at www.courts.ca.gov](http://www.courts.ca.gov)) has been submitted and approved by the court.

(1) Where more than one medication is requested, the application must specify whether the prescribing physician intends the medications to be combined, or is making the request in the alternative. Where said request is in the alternative, the application must set forth the intended plan of treatment.

(2) Information regarding the child's wishes must be included in the application.

(3) The physician prescribing the medication(s) must have evaluated the child within 30 days immediately preceding submission of the application.

(b) Wards of the Court - If a ward has been placed in out-of-home placement, consent to psychotropic medication by the parent/guardian may still be appropriate. If the court has made a prior determination that the parent/guardian is unable to make an informed decision on behalf of the ward, or if the whereabouts of the parent/guardian are unknown, an application for "Order for Psychotropic Medication – Juvenile" (Judicial Council Form JV-220) must be submitted by Probation and approved by the court prior to the administration of any psychotropic medication.

(1) Where more than one medication is requested, the application must specify whether the prescribing physician intends the medications to be combined or is making the request in the alternative. Where said request is in the alternative, the application must set forth the intended plan of treatment.

(2) Information regarding the child's wishes must be included in the application.

(3) The physician prescribing the medication(s) must have evaluated the child within 30 days immediately preceding submission of the application. (07/01/00)(Revised 01/01/2020)

#### Rule 1116 - Dependency - Designation of Permanent Mailing Address

Child Welfare Services must have each parent whose whereabouts is known execute a "Notification of Mailing Address" (JV-140) prior to the completion of the initial hearing or detention hearing. Said "Notification of Mailing Address" must be filed with the court clerk of the juvenile division. A new "Notification of Mailing Address" (JV-140 – available on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov)) must be completed by the parent and filed with the court clerk of the juvenile division whenever the parent wishes to change the permanent mailing address on file with the court. (01/01/07)(Revised 01/01/2020)

#### Rule 1122 - Family and Juvenile Court Management of Child Abuse Cases (This rule is repeated in Family Law, rule 929 )

It is the policy of the superior court to identify and coordinate custody proceedings involving the same child, which may appear in multiple legal settings. It is further the policy of the superior court to coordinate the efforts of the different court systems so that the child/ren's and family's

needs are served and the resources of the family and the court are not wasted. To these ends, the superior court and the agencies serving the court must cooperate to increase the exchange of information and to determine the most appropriate forum for the resolution of the issues relating to the child/ren. (Pursuant to Welfare & Institutions Code section 827.10.)

- (a) Report Pursuant to Penal Code section 11166 - If, during the pendency of a family law proceeding, a child abuse allegation against one of the child's parents comes to the attention of a Family Court Services staff member or other mediator or evaluator, that person must first determine whether the allegation must be reported to a child protection agency, pursuant to Penal Code section 11166. If that person determines the allegation does not fall within the description of section 11166, he/she need not make a report. However, any other person may report the allegation to a child protection agency.
- (b) Child Abuse Investigation - When the Health and Human Services Agency, Child Welfare Services Branch (CWS), receives a report of suspected child abuse during the pendency of a family law proceeding, it must investigate the matter immediately, or within 10 days, unless the judicial officer from family court requests an earlier investigation. CWS, and the law enforcement agency having jurisdiction, must coordinate their investigative efforts. If CWS becomes aware that a family law case is ongoing concerning a child who is the subject of a suspected child abuse investigation, CWS must inform Family Court Services of the pending investigation and any decisions it makes concerning the child abuse investigation. If CWS, or the law enforcement agency having jurisdiction, determines that further investigation is necessary, the agency making that determination must contact the other agency immediately so that all investigative efforts may be coordinated.
- (c) Welfare and Institutions Code section 329 Application - If CWS decides not to intervene, or fails to report to the reporting party within 10 days, any person may apply to the social worker pursuant to Welfare and Institutions Code section 329. In that application, the affiant must give notice and identifying information of any pending family law proceeding. A copy of the application must be sent to Family Court Services by the moving party. The social worker must respond to the application as soon as possible, or within three weeks after submission of the application (Welf. & Inst. Code, § 329). (See Appendix 4 for application and order form or use **Judicial Council form JV-212**, Application to Review Decision by Social Worker Not to Commence Proceedings.)
- (d) Suspension of Family Court Proceedings Pursuant To Welfare and Institutions Code section 300 Petition Filed In Juvenile Court - Upon the filing of a petition pursuant to Welfare and Institutions Code section 300 in the juvenile court, all custody and visitation proceedings in the family court are suspended. The juvenile court clerk will determine whether there is a family law court file concerning the child/ren named in the petition. If there is a family law court file, the juvenile clerk will send a copy of the notice required under Welfare and Institutions Code section 335 to the family law court. Upon receipt of such notice, the family law clerk will place such notice in the family law file. Thereafter, custody and visitation issues will be determined by the juvenile court. The family court will resume jurisdiction over custody and visitation issues only after termination of jurisdiction of the juvenile court.

Upon termination of jurisdiction of the juvenile court, the clerk of the juvenile court will lodge a copy of the order terminating jurisdiction and any juvenile court custody order in the family court file.

- (e) Review of Dependency Decision - If CWS decides to initiate dependency proceedings after reviewing the application under Welfare and Institutions Code section 329, any person may apply to the juvenile court to review that decision pursuant to Welfare and Institutions Code section 331. The application for court review must include a copy of the application made pursuant to Welfare and Institutions Code section 329. The juvenile court will rule on the application as soon as possible, and in no event later than 30 days after receipt of the application.
- (f) Informal Supervision Agreement - If, during the CWS worker's investigation, one or both parents reach an informal supervision agreement pursuant to Welfare and Institutions Code section 331, a copy of that agreement must be sent immediately to CWS, to Family Court Services, to family court, and to each parent.
- (g) Family Code section 3150, Appointment of Counsel - During family court proceedings in which allegations of child abuse have been made, the family court judge may appoint counsel for the child/ren (Fam. Code, § 3150) to protect the child/ren's interests and/or to expedite the policy stated herein and carry out the terms of this protocol.
- (h) Coordination of Cases - At any time during the process described herein, the supervising judges and bench officers of the family and juvenile courts are encouraged to discuss, generally, problems relating to the coordination of cases involving child abuse allegations. Nothing in this section will be construed to permit judicial officers to discuss the specific facts of any certain case. (07/01/00) (Revised 07/01/11, 01/01/2020)

#### APPENDIX 5: NOTIFICATION OF ADDRESS – OMITTED (01/01/2020)

#### ~~APPENDIX 5: NOTIFICATION OF ADDRESS~~

~~Name, address and  
telephone number of attorney(s)~~

~~Attorney(s) for (insert name of party represented and title)~~

~~SUPERIOR COURT OF CALIFORNIA, COUNTY OF TULARE~~

~~[ ] Guardianship of \_\_\_\_\_ ) Case Number:~~

~~[ ] Conservatorship of \_\_\_\_\_ )~~

~~\_\_\_\_\_ )~~

\_\_\_\_\_) **NOTIFICATION OF ADDRESS**  
\_\_\_\_\_)  
[ ] Guardian \_\_\_\_\_)  
[ ] Conservator \_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)

\_\_\_\_ To be completed by petitioner and filed with the clerk and the court investigator with the "Petition for Appointment of Conservator/Guardian" and upon the filing of each accounting thereafter, and whenever the conservatee/ward changes his or her address.

1. **Conservatee or Ward:**

\_\_\_\_ Name: \_\_\_\_\_  
\_\_\_\_ Social Security Number: \_\_\_\_\_  
\_\_\_\_ Veterans ID Number: \_\_\_\_\_  
\_\_\_\_ Address: \_\_\_\_\_  
\_\_\_\_ Telephone: \_\_\_\_\_

2. **Conservator or Guardian:**

\_\_\_\_ Name: \_\_\_\_\_  
\_\_\_\_ Address: \_\_\_\_\_  
\_\_\_\_ Telephone: \_\_\_\_\_

3. **Special circumstances and/or problems of which Court Investigator should be aware:**

\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_  
\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
\_\_\_\_\_  
Typed Name of Petitioner/Attorney

**In the matter of:  
SETTING MOTIONS IN UNLAWFUL  
DETAINDER ACTIONS**

## REVISED STANDING ORDER – MOTIONS IN UNLAWFUL DETAINER ACTIONS

**NO. 01-002**

TO EFFECT THE SUMMARY INTENT OF THE UNLAWFUL DETAINER STATUTES, THE COURT FINDS GOOD CAUSE TO SET THE HEARINGS ON ALL DEMURRERS, MOTIONS TO STRIKE, AND OTHER PRE-TRIAL MOTIONS ON WHICH THERE IS NO SPECIFIC STATUTE STATING OTHERWISE IN ACCORDANCE WITH CODE OF CIVIL PROCEDURE SECTION 1167.4. THEREFORE, SUCH MOTIONS WILL BE HEARD NO LESS THAN THREE DAYS OR MORE THAN SEVEN DAYS AFTER FILING THE MOTION. (CRC 3.1320.) THIS STANDING ORDER IS APPLICABLE ONLY TO UNLAWFUL DETAINER ACTIONS. (Revised 01-01-2020)

Date: \_\_\_\_\_

Brett Alldredge, Presiding Judge of the  
Tulare County Superior Court

The following forms are located on the court's website, [www.tularesuperiorcourt.com](http://www.tularesuperiorcourt.com) at the Local Forms page. Copies are also available through the clerk's office. These forms are for mandatory use unless otherwise specified:

### **Adoption**

Declaration of Due Diligence in Support of a Request for an Order of Publication or For Order Dispensing with Notice	ADO-001	Effective 7/1/2016
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### **Civil**

Declaration of Judgment Debtor Regarding Satisfaction of Judgment (CCP 116.850(c))	CIV-001	Effective 7/1/2016
Notice of Motion/Motion for Order Setting Aside Default/Judgement/Stay	CIV-002	Effective 8/1/2019
Order on Motion for Order Setting Aside Default/Judgement/Stay	CIV-003	Effective 8/1/2019

### **Collections**

Waiver of Rights for Bail Forfeiture	COL-001	Revised 5/1/2019
Waiver of Rights for Bail Forfeiture – Spanish	COL-002	Revised 6/1/2019
Collection Installment Application	COL-003	Revised 12/1/2017
Ability to Pay Income and Expense Form	COL-004	Revised 2/1/2018
Collection Installment Application – Spanish	COL-005	Revised 12/1/2017
Correspondence to Commissioner	COL-006	Revised 7/1/2018
Correspondence to Commissioner – Spanish	COL-007	Revised 7/1/2018

### **Criminal**

Petition and Application for Resentencing or Dismissal, for Reduction or Dismissal and Sealing	CRIM-001	Effective 7/1/2017
Order After Petition /Application for Resentencing or Dismissal, for Reduction or Dismissal/Sealing	CRIM-002	Effective 7/1/2017
Proposition 64 - Information and Instructions	CRIM-003	Effective 7/1/2017
DUI Advisement of Rights, Waiver, and Plea Form	CRIM-004	Effective 5/1/2018
Petition and Order for Dismissal Under Penal Code Section 1210.1(e)1	CRIM-005	Effective 7/1/2017
Criminal Protective Order Attachment	CRIM-006	Effective 7/1/2016

### **Family**

Findings and Order After Hearing	FAM-001	Revised 4/16/2019
Settlement Conference Statement/Trial Brief	FAM-002	Effective 7/1/2016
Child Custody and Visitation Declaration Attachment	FAM-003	Effective 7/1/2016
Child Support Modification Declaration Attachment	FAM-004	Effective 7/1/2016
Custody and Visitation Attachment	FAM-005	Effective 7/1/2016
Petition For Order to Modify Order Appointing Guardian Visitation Orders	FAM-006	Effective 7/1/2016
Declaration of Due Diligence	FAM-007	Effective 7/1/2016

Attachment to Judgment - Child Custody & Visitation	FAM-008	Effective 7/1/2016
Attachment to Judgment - Child Support	FAM-009	Effective 7/1/2016
Attachment to Judgment - Child Support Payable	FAM-010	Effective 7/1/2016
Attachment to Judgment - Spousal Support	FAM-011	Effective 7/1/2016
Attachment to Judgment - Property Division	FAM-012	Effective 7/1/2016
Attachment to Judgment - Other Orders	FAM-013	Effective 7/1/2016

### **Family Court Services**

Online Family Dispute Resolution Orientation Directions	FCS-001	Effective 7/1/2016
Pre-Age (Minor) Marriage Questionnaire	FCS-200	Effective 7/1/2016
Pre-Age (Minor) Marriage Questionnaire - Spanish	FCS-201	Effective 7/1/2016
Certification of Premarital Counseling	FCS-204	Effective 7/1/2016
Guardianship Questionnaire	FCS-303	Revised 9/1/2019
Conservatorship Care Plan	FCS-401	Effective 7/1/2016
Conservatorship Questionnaire	FCS-402	Effective 7/1/2016
Petition to Transfer Venue of Guardianship or Conservatorship	FCS-403	Effective 8/1/2019
Petition to Declare Minor Free From Parental Custody and Control and Terminate Parental Rights	FCS-500	Effective 7/1/2016
Declaration of Custodial Parent	FCS-501	Effective 7/1/2016
Citation For Freedom from Parental Custody	FCS-502	Revised 2/16/2018
Application and Order For Publication or Dispensing with Notice to Alleged Father on Petition to Terminate Parental Rights	FCS-503	Effective 7/1/2016
Declaration of Due Diligence	FCS-504	Effective 7/1/2016
Findings and Order of the Court on the Petition to Declare Minor(s) Free From Parental Custody and Control and Terminate Parental Rights	FCS-505	Effective 7/1/2016
Stepparent or Domestic Partner Adoption Informational Questionnaire	FCS-506	Effective 7/1/2016
Declaration and Order for Stepparent Adoption Investigation Fees	FCS-507	Effective 7/1/2016
Stipulation to Request Case Transfer	FCS-601	Effective 7/1/2016

### **Probate**

Confidential Contact Information Conservatorships	PRO-001	Effective 7/1/2016
Objection to Guardianship	PRO-002	Effective 7/1/2016

### **Miscellaneous**

Request for Permission to Use Electronic Device – Private Attorney or Unrepresented Party	TCSC-001	Revised 1/1/2020
Request for Permission to Use Electronic Device on All Cases Assigned	TCSC-002	Revised 1/1/2020